COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: June 15, 2010

OFFICE CORRESPONDENCE FILE NO. FO2246244

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY RICHARD A. VARGAS #[redacted]
DEPUTY [redacted]#[redacted]
COMPTON STATION

On July 3, 2009, at approximately 2300 hours, Deputies Vargas and [redacted] responded to a suspicious person call at the "Ekono 99" store located at 1940 N. Bullis Road, Compton. Aero 24 responded and illuminated the male with their spotlight as he walked.

As Deputies Vargas and [redacted] turned onto Pine Street from Bullis Road, in their patrol car, they saw the suspect walking eastbound across Pine Street. They stopped their vehicle and contacted the suspect. Deputy Vargas held the suspect's arms behind his back utilizing a one-handed control hold while he pat searched the suspect with his right hand. When Deputy Vargas began to sweep his hand across the suspect's front waistband area, the suspect struck Deputy Vargas on the chin with his right elbow and ran east on Pine Avenue, then north on Ward Avenue.

Deputies Vargas and [redacted] pursued the suspect north on Ward Avenue as Aero 24 transmitted over the radio that the deputies were in foot pursuit. The duration from the initiation of the foot pursuit to the conclusion was approximately thirteen seconds at a distance of 60-80 yards.

The deputies caught up to the suspect in front of [redacted] Ward Avenue at Diane Drive when the suspect suddenly stopped, causing him to trip and fall to the ground where he began to struggle with the deputies. Deputies Vargas and [redacted] immediately applied their body weight onto the suspect to handcuff him.

The deputies ordered the suspect to stop resisting and to place his arms behind his back. The suspect reached for his waistband area. Fearing the suspect was armed, Deputy Vargas struck the suspect on his left elbow approximately 7-8 times with a flashlight. The suspect moved his hands away from his waistband area and grabbed Deputy [redacted] hand as he attempted to kick Deputy Vargas.

Deputy Vargas ordered the suspect to quit kicking and to stop fighting. The suspect did not comply. Deputy Vargas then struck the suspect on his right knee with a flashlight approximately 5 times. The suspect stopped kicking and the deputies were able to handcuff him behind his back without further incident.

On June 10, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Richard A. Vargas #[redacted] and [redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

IV2246244

TABLE OF CONTENTS

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 5 0 9 - 1 0 9 8 4 - 2 8 2 5 - 1 4 5		Date: 7/3/09	Time: 23000 hours
Location: [redacted] E. Pine Avenue		City or Station: Compton	
Bureau/Station/Facility: Compton Station		Admin. Investigation: YES [ ] NO [X]	
Type of Force: Significant/Less than Use of Force: Control Holds/Flashlight			
Deputy Injury: YES [X] NO [ ]	Suspect Injury YES [X] NO [ ]		
[X] Call	[X] Observation	[ ] Detail	[X] Foot Pursuit [ ] Vehicle Pursuit
IAB Notified: YES [X] NO [ ]	Person Notified: Lt. Mike Grimaldi	Emp: [redacted]	IAB Roll Out: YES [X] NO [ ]

Involved Employee

E 1

Employee # [redacted]	Last Name: Vargas	First Name: Richard	Middle Name: A.
Sex: [X] Male [ ] Female	Race: Hispanic	Unit of Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): 287E
Shift: [X] EM [ ] Day [ ] PM	[ ] Regular Shift [X] OT Shift [ ] Off Duty	Age: [redacted]	Height: 508 / Weight: 195
[ ] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #:	Directed Force [ ] Significant Force [X]

E 2

Employee # [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name:
Sex: [X] Male [ ] Female	Race: Hispanic	Unit of Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): 287E
Shift: [X] EM [ ] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	Age: [redacted]	Height: 511 / Weight: 185
[X] Injured [X] Treated [ ] Admitted	Hospital:	Coroner Case #:	Directed Force [ ] Significant Force [ ]

E__

Employee #	Last Name	First Name	Middle Name
Sex: [ ] Male [ ] Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: [ ] EM [ ] Day [ ] PM	[ ] Regular Shift [ ] OT Shift [ ] Off Duty	Age:	Height: / Weight:
[ ] Injured [ ] Treated [ ] Admitted	Hospital:	Coroner Case #:	Directed Force [ ] Significant Force [ ]

[ ] Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Iketani	Douglas	-	Sgt.	YES [ ] NO [X]	YES [ ] NO [X]
					YES [ ] NO [ ]	YES [ ] NO [ ]

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Carrasco	Jesus	-

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Meeder	Brian	A.

Watch Commander **(Print Name)** | Watch Commander's **Signature:** | Emp #: | Date

Teri Roberts, Sergeant | [redacted]

Supervisor Completing Form: **(Print Name)** | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander **(Print Name)** | Unit Commander's **Signature:** | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
5 0 9 - 1 0 9 8 4 - 2 8 2 5 - 1 4 5

Suspect Information

S 1

Last Name: Gates | First Name: Dontae | Middle Name: Jamar

AKA Last Name: Gordon | First Name: Dontae | Middle Name:

Sex: ☒ Male ☐ Female | Race: Black | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 21 | Height: 511 | D.O.B. 07-31-87 | Weight: 155 | Armed? ☐

Booking #: 1970524 | Primary Charge Code: 69 P.C. | Secondary Charge Code: 243(b)PC | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: Compton Fire | Unit: 14 | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: Coast Plaza Doctor's Hospital | Coroner Case #: | Mental History ☐

By Doctor: Manuel Sacapano, MD | Address: 13100 Studebaker Rd., Norwalk 90650 | Phone #: 562 868-3751

Under Influence: ☐ YES ☒ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: 07-03-09 | Time: 2310 | ☐ Audiotape: ☒ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name | First Name | Middle Name

AKA Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness: ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name | First Name | Middle Name

AKA Last Name | First Name | Middle Name

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO | Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
5 0 9 - 1 0 9 8 4 - 2 8 2 5 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]	Middle Name [redacted]	Age 40	D.O.B. [redacted]
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph.	Home Ph. [redacted]
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Supervisor's Report on Use of Force

5[illegible] - 10984 - 2825 - 1 [illegible] 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

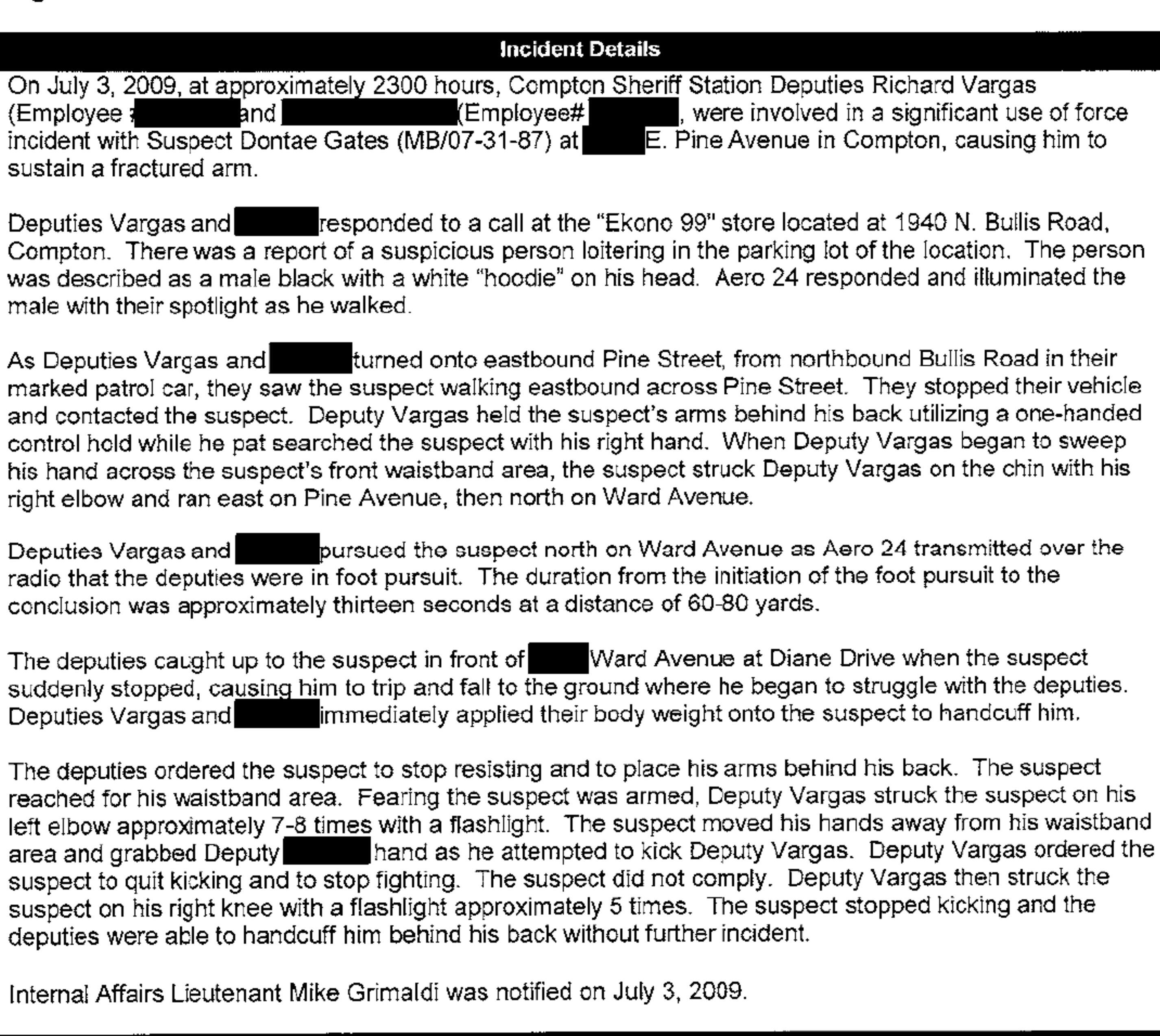
Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Vargas	E#1	Gates	S#1	CT	NN	
Gates	S#1	Vargas	E#1	PH	CP	HE
Vargas/[redacted]	E#1,E#2	Gates	S#1	PO	NN	
Gates	S#1	Vargas/[redacted]	E#1,E#2	UC,RS	NN	
Vargas	E#1	Gates	S#1	FL	FR	AR
Gates	S#1	[redacted]	E#2	PH	NN	
Gates	S#1	Vargas	E#1	PK	NN	
Gates	S#1	Vargas/[redacted]	E#1,E#2	UC,RS	AB	HD,KN
Vargas	E#1	Gates	S#1	FL	CP,BR	KN
Vargas/[redacted]	E#1,E#2	Gates	S#1	RH	NN	



Force Applied

Significant Use of Force: CONTROL HOLDS / FLASHLIGHT

Incident Details

On July 3, 2009, at approximately 2300 hours, Compton Sheriff Station Deputies Richard Vargas (Employee [redacted] and [redacted] (Employee# [redacted], were involved in a significant use of force incident with Suspect Dontae Gates (MB/07-31-87) at [redacted] E. Pine Avenue in Compton, causing him to sustain a fractured arm.

Deputies Vargas and [redacted] responded to a call at the "Ekono 99" store located at 1940 N. Bullis Road, Compton. There was a report of a suspicious person loitering in the parking lot of the location. The person was described as a male black with a white "hoodie" on his head. Aero 24 responded and illuminated the male with their spotlight as he walked.

As Deputies Vargas and [redacted] turned onto eastbound Pine Street, from northbound Bullis Road in their marked patrol car, they saw the suspect walking eastbound across Pine Street. They stopped their vehicle and contacted the suspect. Deputy Vargas held the suspect's arms behind his back utilizing a one-handed control hold while he pat searched the suspect with his right hand. When Deputy Vargas began to sweep his hand across the suspect's front waistband area, the suspect struck Deputy Vargas on the chin with his right elbow and ran east on Pine Avenue, then north on Ward Avenue.

Deputies Vargas and [redacted] pursued the suspect north on Ward Avenue as Aero 24 transmitted over the radio that the deputies were in foot pursuit. The duration from the initiation of the foot pursuit to the conclusion was approximately thirteen seconds at a distance of 60-80 yards.

The deputies caught up to the suspect in front of [redacted] Ward Avenue at Diane Drive when the suspect suddenly stopped, causing him to trip and fall to the ground where he began to struggle with the deputies. Deputies Vargas and [redacted] immediately applied their body weight onto the suspect to handcuff him.

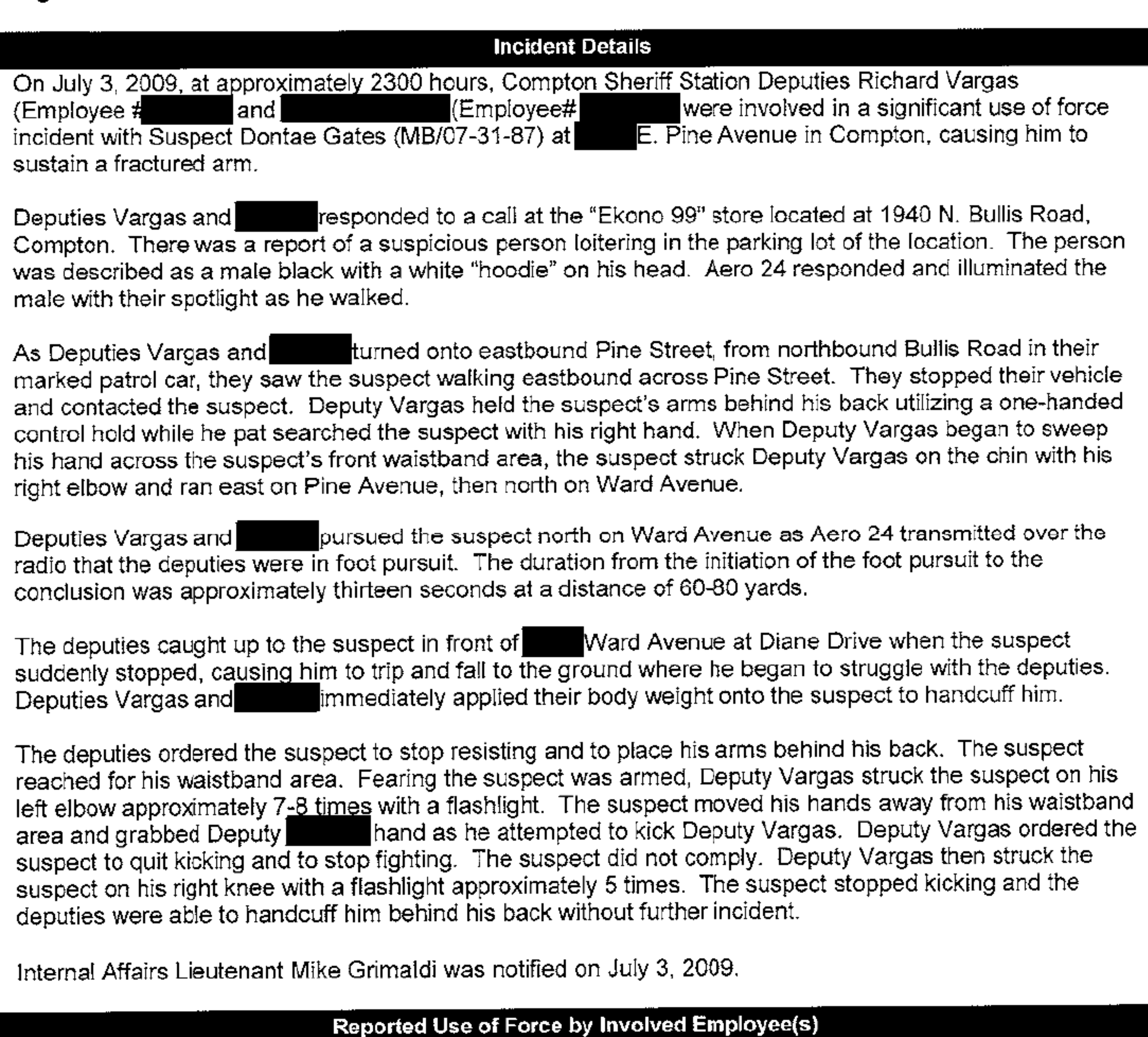
The deputies ordered the suspect to stop resisting and to place his arms behind his back. The suspect reached for his waistband area. Fearing the suspect was armed, Deputy Vargas struck the suspect on his left elbow approximately 7-8 times with a flashlight. The suspect moved his hands away from his waistband area and grabbed Deputy [redacted] hand as he attempted to kick Deputy Vargas. Deputy Vargas ordered the suspect to quit kicking and to stop fighting. The suspect did not comply. Deputy Vargas then struck the suspect on his right knee with a flashlight approximately 5 times. The suspect stopped kicking and the deputies were able to handcuff him behind his back without further incident.

Internal Affairs Lieutenant Mike Grimaldi was notified on July 3, 2009.

Reported Use of Force by Involved Employee(s)

Deputy Vargas and [redacted] completed a written report of their observations and actions, which is consistent with their verbal notification to Sergeant Douglas Iketani of their use of force.

Supervisor's Report on Use of Force
509-10984-2825-145



Force Applied

Significant Use of Force: CONTROL HOLDS / FLASHLIGHT

Incident Details

On July 3, 2009, at approximately 2300 hours, Compton Sheriff Station Deputies Richard Vargas (Employee #[redacted] and [redacted] (Employee# [redacted] were involved in a significant use of force incident with Suspect Dontae Gates (MB/07-31-87) at [redacted] E. Pine Avenue in Compton, causing him to sustain a fractured arm.

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As Deputies Vargas and [redacted] turned onto eastbound Pine Street, from northbound Bullis Road in their marked patrol car, they saw the suspect walking eastbound across Pine Street. They stopped their vehicle and contacted the suspect. Deputy Vargas held the suspect's arms behind his back utilizing a one-handed control hold while he pat searched the suspect with his right hand. When Deputy Vargas began to sweep his hand across the suspect's front waistband area, the suspect struck Deputy Vargas on the chin with his right elbow and ran east on Pine Avenue, then north on Ward Avenue.

Deputies Vargas and [redacted] pursued the suspect north on Ward Avenue as Aero 24 transmitted over the radio that the deputies were in foot pursuit. The duration from the initiation of the foot pursuit to the conclusion was approximately thirteen seconds at a distance of 60-80 yards.

The deputies caught up to the suspect in front of [redacted] Ward Avenue at Diane Drive when the suspect suddenly stopped, causing him to trip and fall to the ground where he began to struggle with the deputies. Deputies Vargas and [redacted] immediately applied their body weight onto the suspect to handcuff him.

The deputies ordered the suspect to stop resisting and to place his arms behind his back. The suspect reached for his waistband area. Fearing the suspect was armed, Deputy Vargas struck the suspect on his left elbow approximately 7-8 times with a flashlight. The suspect moved his hands away from his waistband area and grabbed Deputy [redacted] hand as he attempted to kick Deputy Vargas. Deputy Vargas ordered the suspect to quit kicking and to stop fighting. The suspect did not comply. Deputy Vargas then struck the suspect on his right knee with a flashlight approximately 5 times. The suspect stopped kicking and the deputies were able to handcuff him behind his back without further incident.

Internal Affairs Lieutenant Mike Grimaldi was notified on July 3, 2009.

Reported Use of Force by Involved Employee(s)

Deputy Vargas and [redacted] completed a written report of their observations and actions, which is consistent with their verbal notification to Sergeant Douglas Iketani of their use of force.

Case Status

In lieu of a criminal filing, Compton Deputy District Attorney Kelly Fritz violated the suspect's probation.

IAB INVESTIGATIVE NARRATIVE

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Compton Sheriff's Station
DATE: July 3, 2009, Saturday
TIME: 2300 hours
LOCATION: [redacted] E. Pine Avenue, Compton
IAB#: FO2246244
URN#: 509-10984-2825-145

NATURE OF INCIDENT:

On July 3, 2009, at approximately 2300 hours, Compton Sheriff Station Deputies Richard Vargas (Employee # [redacted] and [redacted] (Employee# [redacted] were involved in a significant use of force incident with Suspect Dontae Gates (MB/07-31-87) at [redacted] E. Pine Avenue in Compton, causing him to sustain a fractured arm.

Deputies Vargas and [redacted] responded to a call at the "Ekono 99" store located at 1940 N. Bullis Road, Compton. There was a report of a suspicious person loitering in the parking lot of the location. The person was described as a male black with a white "hoodie" on his head. Aero 24 responded and illuminated the male with their spotlight as he walked.

> **IAB Note: For the 911 call for service, refer to the CD's in Exhibit A.**

As Deputies Vargas and [redacted] turned onto eastbound Pine Street, from northbound Bullis Road in their marked patrol car, they saw the suspect walking eastbound across Pine Street. They stopped their vehicle and contacted the suspect. Deputy Vargas held the suspect's arms behind his back utilizing a one-handed control hold while he pat searched the suspect with his right hand. When Deputy Vargas began to sweep his hand across the suspect's front waistband area, the suspect struck Deputy Vargas on the chin with his right elbow and ran east on Pine Avenue, then north on Ward Avenue.

Deputies Vargas and [redacted] pursued the suspect north on Ward Avenue as Aero 24 transmitted over the radio that the deputies were in foot pursuit. The duration from the initiation of the foot pursuit to the conclusion was approximately thirteen seconds at a

distance of 60-80 yards.

The deputies caught up to the suspect in front of [redacted] Ward Avenue at Diane Drive when the suspect suddenly stopped, causing him to trip and fall to the ground where he began to struggle with the deputies. Deputies Vargas and [redacted] immediately applied their body weight onto the suspect to handcuff him.

> **IAB Note: For a copy of the Foot Pursuit Evaluation Form, refer to Exhibit B.**

The deputies ordered the suspect to stop resisting and to place his arms behind his back. The suspect reached for his waistband area. Fearing the suspect was armed, Deputy Vargas struck the suspect on his left elbow approximately 7-8 times with a flashlight. The suspect moved his hands away from his waistband area and grabbed Deputy [redacted] hand as he attempted to kick Deputy Vargas. Deputy Vargas ordered the suspect to quit kicking and to stop fighting. The suspect did not comply. Deputy Vargas then struck the suspect on his right knee with a flashlight approximately 5 times. The suspect stopped kicking and the deputies were able to handcuff him behind his back without further incident.

> **IAB Note: For the L-Tac and Aero 24 radio transmissions, refer to the CD's in Exhibit A.**

> **IAB Note: For Criminal and supplemental reports, refer to Exhibit C.**

Deputies [redacted] and Vargas checked the parking lot of the "Ekono 99" parking lot where Suspect Gates was loitering. They found a blue Honda Civic with the driver's window down approximately 6 inches. The license plate returned to a reported stolen vehicle out of Lynwood.

Suspect Gates was examined at the scene by Compton Fire Department Unit 41. He was subsequently transported to Coast Plaza Doctor's Hospital in Norwalk where he was medically evaluated and treated for a fractured arm. Suspect Gates was cleared for booking.

The following deputy personnel reported the following use of force:

Deputy Vargas: Control Hold (hand, body); struck Suspect Gates 7-8 times on his left elbow with a flashlight; struck Suspect Gates 5 times on his right knee with a flashlight.

Deputy [redacted] Control Hold (hand, body).

IAB Note: For further details, refer to Exhibit C for a copy of Deputy Vargas Incident report and Deputy [redacted] supplementary report on their respective use of force.

Internal Affairs Bureau Lieutenant Mike Grimaldi was notified and Sergeants Teri Roberts and Frank Quichocho responded to Compton Sheriff's Station to conduct a force review of the incident.

The case was subsequently presented to the District Attorney's Office at Compton Court. Deputy District Attorney Kelly Fritz rejected the case and filed a probation violation in lieu of a criminal filing.

IAB Note: For a copy of the Los Angeles County District Attorney Charge Evaluation Worksheet, refer to Exhibit D.

The following review is based on written documentation and interviews with the involved deputies.

INVOLVED PERSONNEL:

Vargas, Richard A. - Bonus I, Employee #[redacted]
Field Operations Region II
Compton Station

EMPLOYEE WORK HISTORY:

Date of Employment:	04-28-1989
Date Assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	09-04-2004, 05-08-2005
Prior Founded Force Incidents:	[redacted]

[redacted] - Deputy Sheriff, Employee #[redacted]
Field Operations Region II
Compton Station

EMPLOYEE WORK HISTORY:

Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]



INVOLVED SUSPECT:

Gates, Dontae Jamar, MB/21, Booking #1970524, DOB: 07-31-1987
[redacted]

Booking Charges: 69 P.C., 243(b)P.C.
Main: [redacted] CII: [redacted] CDL: [redacted] FBI#: [redacted]
CDC: [redacted]

Involved Suspect Criminal History:

A review of the suspect's criminal history reveals [redacted] Refer to the CCHRS and RAPS printouts included under **Exhibit C.**

DEPARTMENT EMPLOYEE WITNESSES:

None.

NON-DEPARTMENT WITNESSES:

[redacted] MH/40, DOB: [redacted]

SUSPECT'S INJURIES:

Suspect Gates was transported to Coast Plaza Doctor's Hospital in Norwalk. He was medically evaluated and treated by Dr. Manuel Sagapano under patient number 229276. It was determined that Suspect Gates sustained a fractured left arm and minor redness to his right knee.

> IAB Note: **For the video of Suspect Gates' injuries taken at Coast Plaza Hospital by Sergeant Iketani, refer to the CD's in Exhibit A.**

IAB Note: The extent of Suspect Gates' injuries could not be obtained due to his refusal to sign a release of medical authorization form.

DEPUTY PERSONNEL INJURIES:

Deputy [redacted] sustained abrasions to his hands and knees.
Deputy Vargas sustained no injuries.

PHYSICAL EVIDENCE:

None.

INVESTIGATOR'S OBSERVATIONS:

None.

WEAPON USED BY DEPUTY PERSONNEL:

Control Holds, Personal Weapon (body), Flashlight.

WEAPON USED BY INMATE:

Uncooperative, Personal Weapons (arms, fists, feet, body), Resistance.

PROPERTY DAMAGE:

None.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Deputy B. Waldo [redacted]

Charges Filed: Probation Violation.
The case was rejected by Compton Deputy District Attorney Kelly Fritz. A probation violation was filed in lieu of a criminal filing.

LIGHTING AND WEATHER CONDITIONS:

The incident occurred during the night hours. It was dark with bright streetlights in the area. The weather was clear.

INVOLVED EMPLOYEE STATEMENTS:

DEPUTY RICHARD VARGAS, Employee [redacted] was interviewed on July 4, 2009, by Internal Affairs Bureau Sergeant Teri Roberts and Sergeant Frank Quichocho. The interview took place at Compton Sheriff's Station in the conference room. The following is a summary.

Deputy Vargas and Deputy [redacted] were assigned to unit 287H on the EM shift between [redacted] hours. At 2300 hours, they responded to a prowler call, suspicious person at a closed business. The business (Ekono 99 store) is located on Bullis Road and Pine Street in Compton in a high gang infested crime area. Prior to arriving at the closed business, the Watch Deputy provided a description of the person (white "hoodie" over his head) over "L" Tac. He indicated the person was hiding behind a tree in the store parking lot.

Aero 24 arrived and illuminated the area. The Watch Deputy advised that Aero 24 was illuminating a male matching the description. When Deputies Vargas and [redacted] arrived at the location, they saw a male (later identified as the suspect) matching the description from about 50 yards away on Pine Street being illuminated by Aero 24. The deputies approached the suspect and detained him to conduct a possible burglary investigation. The suspect immediately sat on his knees on the ground and appeared cooperative. Deputy Vargas placed the suspect's hands behind his back and walked him approximately ten feet to the hood of the patrol car. The patrol car was stopped in the street on Pine Street, 30 yards west of Ward Avenue.

Deputy Vargas indicated the suspect's fingers were interlaced as he (Deputy Vargas) clasped the suspect's hands with one hand and conducted a pat down search of the suspect with the other hand. As soon as Deputy Vargas reached around to sweep the suspect's front waistband area for weapons, the suspect pulled his right arm upward and struck Deputy Vargas on the chin, causing him to release the grip he had on the suspect. Deputy Vargas believed the suspect had possession of a weapon in his waistband area.

The suspect fled eastbound Pine Street to northbound Ward Avenue. The deputies initiated a foot pursuit and were approximately ten feet behind the suspect as Aero 24 hovered over them and put out the radio traffic regarding the foot pursuit. Deputy Vargas observed the suspect holding his waistband area as he ran and repeatedly ordered him to stop. The suspect did not comply.

On Ward Avenue, the deputies pursued the suspect on the west sidewalk about [redacted] to [redacted] houses at Diane Drive when the suspect tripped and fell in the parkway of [redacted] Ward Avenue. The deputies held the suspect down utilizing their body weight to handcuff him. Deputy [redacted] was positioned on the suspect's upper body while Deputy Vargas held his lower body.

The suspect then turned to his side and reached for his waistband. Deputy Vargas feared the suspect was reaching for a gun and began to hit the suspect's left elbow area approximately 7-8 times while ordering him to show them his hands. Deputy [redacted] was struggling to grasp the suspect's hand behind his back while trying to roll him over onto his stomach. The suspect began grabbing Deputy [redacted] hand while throwing kicks at Deputy Vargas. Deputy Vargas then struck the suspect on his right knee with a flashlight to keep him from kicking. The suspect continued to struggle with the deputies. The deputies were finally able to overcome his resistance. Deputy [redacted] handcuffed the suspect.

The deputies checked the path area for a weapon and were unable to locate one. They checked the store parking lot where the suspect was hiding and found a vehicle with one of its windows cracked about 6 inches. The license plate returned to a stolen vehicle from Lynwood.

Deputy Vargas reported his use of force to Sergeant Iketani when he arrived on scene.

IAB Note: Refer to Exhibit C for a copy of Deputy Vargas' Incident report, File #509-10984-2825-145.

IAB Note: Refer to Deputy Vargas' transcribed interview for further details.

DEPUTY [redacted] Employee #[redacted] was interviewed on July 4, 2009, by Internal Affairs Bureau Sergeant Teri Roberts and Sergeant Frank Quichocho. The interview took place at Compton Sheriff's Station in the conference room. The following is a summary.

Deputy Vargas and [redacted] responded to a suspicious person prowler call at a business in Compton at approximately 2300 hours. Aero 24 arrived at the location and reported they saw a male matching the description of the disturbing party. The deputies turned east onto Pine Street from northbound Bullis Road and saw the suspect in the middle of the street being illuminated by Aero 24's spot light. When they drove up to the suspect, Deputy Vargas exited the vehicle as Deputy [redacted] ordered the suspect, via his PA system, to lay face down on the ground. The suspect sat on the ground and was placed in a control hold by Deputy Vargas.

Deputy [redacted] then saw the suspect throw his arm back, hitting Deputy Vargas on the chin. The suspect broke free from Deputy [redacted] grasp and ran east Pine street onto northbound Ward Avenue. The deputies initiated a foot pursuit of the suspect with Aero 24 flying overhead and transmitting radio traffic regarding the pursuit.

While running, Deputy [redacted] heard Deputy Vargas warn him about the suspect reaching

into his waistband area. Deputy [redacted] was able to catch up to the suspect and cut him off. The suspect stopped to avoid Deputy [redacted] causing him (suspect) to trip and fall to the ground. The deputies held the suspect down with their body weight in an attempt to handcuff him. The suspect continued to struggle by kicking and swinging his arms at the deputies as they gave him verbal commands to stop and place his hands behind his back. Deputy [redacted] was able to place the suspect's right arm behind his back as Deputy Vargas grabbed his left arm. Deputy [redacted] then handcuffed the suspect.

Deputy [redacted] reported his use of force to Sergeant Iketani when he arrived on scene.

> **IAB Note: Refer to Exhibit C for a copy of Deputy [redacted] Supplemental report, File #509-10984-2825-145.**
>
> **IAB Note: Refer to Exhibit E for Deputy [redacted] diagrams of the locations.**
>
> **IAB Note: Refer to a copy of Deputy [redacted] transcribed interviews for further details.**

DEPARTMENT EMPLOYEE WITNESS STATEMENT:

None.

NON-DEPARTMENT WITNESS STATEMENTS:

[redacted] was interviewed on videotape on July 3, 2009 at 2319 hours by Sergeant Iketani. The following is a summary.

Mr. [redacted] said he was standing in the front yard of a residence at [redacted] Ward Avenue when he saw the suspect running northbound in the street and sidewalk toward his direction. The deputies were pursuing the suspect and gave him verbal commands to stop, but the suspect refused and continued to run. The suspect and deputies ran past him (Mr. [redacted] and continued northbound approximately 120 feet where the deputies grabbed the suspect. Mr. [redacted] heard the deputies continually give the suspect verbal commands to "stop struggling, put your hands behind your back and don't move."

> **IAB Note: For the Mr. [redacted] interview on video, refer to the CD's in Exhibit A.**

SUSPECT STATEMENTS:

SUSPECT DONTAE GATES, Booking #1970524, was interviewed on July 3, 2009, by Compton Sheriff Station Sergeant Douglas Iketani. The interview took place at the scene in the back seat of a patrol car subsequent to his arrest. The following is a summary.

Suspect Gates stated he was walking when he saw the deputies approach him with their lights on. He stated, "The deputies said they were going to shoot me and I started running. They beat the fuck out of me for no fuckin reason."

Suspect Gates stated he was struck with a baton on his left arm and right knee cap. He denied hitting the deputies.

> **IAB Note: For the video of Suspect Gates' injuries taken at Coast Plaza Hospital by Sergeant Iketani, refer to Exhibit A.**

On 07-04-09, at approximately 1030 hours, Internal Affairs Bureau Sergeant Teri Roberts and Sergeant Frank Quichocho attempted to interview Suspect Gates at the Inmate Reception Center. Suspect Gates did not want to talk to us about the incident, nor did he wish to provide us with his authorization to release his medical records regarding the injuries he sustained on 07-03-09.